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TITLE 312 NATURAL RESOURCES COMMISSION

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## Final Rule

LSA Document #11-332(F)

## DIGEST

Amends [312 IAC 13-1-8](#), [312 IAC 13-1-20](#), [312 IAC 13-1-24](#), [312 IAC 13-2-1](#), [312 IAC 13-2-2](#), [312 IAC 13-2-3](#), [312 IAC 13-2-6](#), [312 IAC 13-3-1](#), [312 IAC 13-4-3](#), [312 IAC 13-10-2](#), [312 IAC 13-11-1](#), [312 IAC 13-11-2](#), [312 IAC 13-12-1](#), [312 IAC 13-12-2](#), and [312 IAC 13-12-3](#) and adds [312 IAC 13-2-3.3](#), [312 IAC 13-2-3.5](#), [312 IAC 13-2-3.7](#), and [312 IAC 13-4-3.5](#), which govern water well drillers, to provide for the licensing of water well pump installers and continuing education for pump installers and water well drillers, and assist with the implementation of P.L.84-2010. Adds [312 IAC 13-1-3.2](#), [312 IAC 13-1-3.7](#), [312 IAC 13-1-6.3](#), [312 IAC 13-1-11.5](#), [312 IAC 13-1-19.3](#), [312 IAC 13-1-19.5](#), [312 IAC 13-1-19.7](#), [312 IAC 13-1-20.4](#), [312 IAC 13-1-24.8](#), [312 IAC 13-1-26](#), and [312 IAC 13-1-27](#) concerning definitions. Makes numerous technical corrections. Effective 30 days after filing with the Publisher.

[312 IAC 13-1-3.2](#); [312 IAC 13-1-3.7](#); [312 IAC 13-1-6.3](#); [312 IAC 13-1-8](#); [312 IAC 13-1-11.5](#); [312 IAC 13-1-19.3](#); [312 IAC 13-1-19.5](#); [312 IAC 13-1-19.7](#); [312 IAC 13-1-20](#); [312 IAC 13-1-20.4](#); [312 IAC 13-1-24](#); [312 IAC 13-1-24.8](#); [312 IAC 13-1-26](#); [312 IAC 13-1-27](#); [312 IAC 13-2-1](#); [312 IAC 13-2-2](#); [312 IAC 13-2-3](#); [312 IAC 13-2-3.3](#); [312 IAC 13-2-3.5](#); [312 IAC 13-2-3.7](#); [312 IAC 13-2-6](#); [312 IAC 13-3-1](#); [312 IAC 13-4-3](#); [312 IAC 13-4-3.5](#); [312 IAC 13-10-2](#); [312 IAC 13-11-1](#); [312 IAC 13-11-2](#); [312 IAC 13-12-1](#); [312 IAC 13-12-2](#); [312 IAC 13-12-3](#)

SECTION 1. [312 IAC 13-1-3.2](#) IS ADDED TO READ AS FOLLOWS:

**[312 IAC 13-1-3.2](#) "Available drawdown" defined**

Authority: [IC 25-39-4-9](#)

Affected: [IC 25-39](#)

**Sec. 3.2. "Available drawdown" means the distance between the static water level and the pump setting.**

(Natural Resources Commission; [312 IAC 13-1-3.2](#); filed Dec 20, 2011, 1:55 p.m.: [20120118-IR-312110332FRA](#))

SECTION 2. [312 IAC 13-1-3.7](#) IS ADDED TO READ AS FOLLOWS:

**[312 IAC 13-1-3.7](#) "Bedrock aquifer" defined**

Authority: [IC 25-39-4-9](#)

Affected: [IC 25-39](#)

**Sec. 3.7. "Bedrock aquifer" means a consolidated water-bearing formation that has the ability to receive, store, and transmit water in an amount sufficient to satisfy a beneficial use.**

(Natural Resources Commission; [312 IAC 13-1-3.7](#); filed Dec 20, 2011, 1:55 p.m.: [20120118-IR-312110332FRA](#))

SECTION 3. [312 IAC 13-1-6.3](#) IS ADDED TO READ AS FOLLOWS:

**[312 IAC 13-1-6.3](#) "Business day" defined**

Authority: [IC 25-39-4-9](#)

Affected: [IC 25-39](#)

**Sec. 6.3. "Business day" has the meaning set forth in [610 IAC 6-1-2](#).**

(Natural Resources Commission; [312 IAC 13-1-6.3](#); filed Dec 20, 2011, 1:55 p.m.: [20120118-IR-312110332FRA](#))

SECTION 4. [312 IAC 13-1-8](#) IS AMENDED TO READ AS FOLLOWS:

**[312 IAC 13-1-8](#) "Competency examination" defined**

Authority: [IC 25-39-4-9](#)

Affected: [IC 25-39](#)

Sec. 8. "Competency examination" means an examination given by the department that is designed to establish the capability and skill of an individual to operate as a water well driller **or water well pump installer**.

(Natural Resources Commission; [312 IAC 13-1-8](#); filed Nov 22, 1999, 3:34 p.m.: 23 IR 763; readopted filed Aug 4, 2005, 6:00 p.m.: 28 IR 3661; readopted filed May 20, 2011, 3:28 p.m.: [20110615-IR-312110002RFA](#); filed Dec 20, 2011, 1:55 p.m.: [20120118-IR-312110332FRA](#))

SECTION 5. [312 IAC 13-1-11.5](#) IS ADDED TO READ AS FOLLOWS:

**[312 IAC 13-1-11.5](#) "Direct supervision" defined**

Authority: [IC 25-39-4-9](#)

Affected: [IC 25-39](#)

Sec. 11.5. "Direct supervision" means to be physically present, on the job site, or otherwise in close proximity so as to be able to respond promptly and effectively in person.

(Natural Resources Commission; [312 IAC 13-1-11.5](#); filed Dec 20, 2011, 1:55 p.m.: [20120118-IR-312110332FRA](#))

SECTION 6. [312 IAC 13-1-19.3](#) IS ADDED TO READ AS FOLLOWS:

**[312 IAC 13-1-19.3](#) "Personal use" defined**

Authority: [IC 25-39-4-9](#)

Affected: [IC 14-8-2-202](#); [IC 25-39](#)

Sec. 19.3. "Personal use" means the use of a water well or water well pumping equipment for water supply purposes if either:

- (1) located on property owned or in possession of a person as defined in [IC 14-8-2-202](#); or
- (2) with respect to a public water supply utility, possessed by a permanent employee of the public water supply utility.

(Natural Resources Commission; [312 IAC 13-1-19.3](#); filed Dec 20, 2011, 1:55 p.m.: [20120118-IR-312110332FRA](#))

SECTION 7. [312 IAC 13-1-19.5](#) IS ADDED TO READ AS FOLLOWS:

**[312 IAC 13-1-19.5](#) "Pitless adapter" defined**

Authority: [IC 25-39-4-9](#)

Affected: [IC 25-39](#)

Sec. 19.5. "Pitless adapter" means an assembly of parts that:

- (1) allows water to pass through the wall of the well casing or extension of the well casing;
- (2) provides access to the well and the parts of the pumping system within the well;
- (3) provides for the transportation of water; and
- (4) protects the well from contamination at or near the surface.

(Natural Resources Commission; [312 IAC 13-1-19.5](#); filed Dec 20, 2011, 1:55 p.m.:

SECTION 8. [312 IAC 13-1-19.7](#) IS ADDED TO READ AS FOLLOWS:

**[312 IAC 13-1-19.7](#) "Pitless unit" defined**

Authority: [IC 25-39-4-9](#)

Affected: [IC 25-39](#)

**Sec. 19.7. "Pitless unit" means a factory assembled device consisting of the pitless adapter, a mechanism that attaches to the well casing, and a well casing riser in a single unit to prevent contaminants from entering the well.**

*(Natural Resources Commission; [312 IAC 13-1-19.7](#); filed Dec 20, 2011, 1:55 p.m.: [20120118-IR-312110332FRA](#))*

SECTION 9. [312 IAC 13-1-20](#) IS AMENDED TO READ AS FOLLOWS:

**[312 IAC 13-1-20](#) "Public water supply well" defined**

Authority: [IC 25-39-4-9](#)

Affected: [IC 25-39](#)

**Sec. 20. "Public water supply well" means a well that provides a source of water to a community public water system as defined in [327 IAC 8-2-1](#) that**

**~~(1) serves a residential population; and either of the following:~~**

**~~(2) is defined as having fifteen (15) or more service connections or serving at least twenty-five (25) year-round residents.~~**

**(1) At least fifteen (15) service connections used by year-round residents or regularly serves at least twenty-five (25) year-round residents.**

**(2) At least fifteen (15) service connections used by nonresidents or regularly serves twenty-five (25) or more nonresident individuals daily for at least sixty (60) days per year.**

*(Natural Resources Commission; [312 IAC 13-1-20](#); filed Nov 22, 1999, 3:34 p.m.: 23 IR 764; readopted filed Aug 4, 2005, 6:00 p.m.: 28 IR 3661; readopted filed May 20, 2011, 3:28 p.m.: [20110615-IR-312110002RFA](#); filed Dec 20, 2011, 1:55 p.m.: [20120118-IR-312110332FRA](#))*

SECTION 10. [312 IAC 13-1-20.4](#) IS ADDED TO READ AS FOLLOWS:

**[312 IAC 13-1-20.4](#) "Pump installation" defined**

Authority: [IC 25-39-4-9](#)

Affected: [IC 25-39](#)

**Sec. 20.4. (a) Except as provided in subsection (b), "pump installation" means placement and preparation for operation of equipment and materials used in withdrawing or obtaining water from a well. The term includes construction to enter the well and to establish seals and safeguards to protect water from contamination.**

**(b) The term does not apply to activities in association with a monitoring well or a dewatering well.**

*(Natural Resources Commission; [312 IAC 13-1-20.4](#); filed Dec 20, 2011, 1:55 p.m.: [20120118-IR-312110332FRA](#))*

SECTION 11. [312 IAC 13-1-24](#) IS AMENDED TO READ AS FOLLOWS:

**[312 IAC 13-1-24](#) "Unconsolidated aquifer" defined**

Authority: [IC 25-39-4-9](#)

Affected: [IC 25-39](#)

Sec. 24. "Unconsolidated ~~formation~~ **aquifer**" means geologic material or deposits, ~~overlying~~ **other than** bedrock, ~~such as~~ **that can receive, store, and transmit water in amounts that will satisfy a beneficial use.** **Examples of these geologic materials and deposits include sand and gravel. and clay.**

(Natural Resources Commission; [312 IAC 13-1-24](#); filed Nov 22, 1999, 3:34 p.m.: 23 IR 765; readopted filed Aug 4, 2005, 6:00 p.m.: 28 IR 3661; readopted filed May 20, 2011, 3:28 p.m.: [20110615-IR-312110002RFA](#); filed Dec 20, 2011, 1:55 p.m.: [20120118-IR-312110332FRA](#))

SECTION 12. [312 IAC 13-1-24.8](#) IS ADDED TO READ AS FOLLOWS:

**[312 IAC 13-1-24.8](#) "Well cap" defined**

Authority: [IC 25-39-4-9](#)

Affected: [IC 25-39](#)

Sec. 24.8. "Well cap" means a welded, threaded, glued, or mechanically attached apparatus that:  
(1) overlaps the top of the well casing or pitless unit with a downward flange; and  
(2) encloses the atmospheric termination of a well casing or pitless unit.

(Natural Resources Commission; [312 IAC 13-1-24.8](#); filed Dec 20, 2011, 1:55 p.m.: [20120118-IR-312110332FRA](#))

SECTION 13. [312 IAC 13-1-26](#) IS ADDED TO READ AS FOLLOWS:

**[312 IAC 13-1-26](#) "Well seal" defined**

Authority: [IC 25-39-4-9](#)

Affected: [IC 25-39](#)

Sec. 26. "Well seal" means a device used to establish a watertight closure at the atmospheric termination of the well casing or pitless unit to prevent contaminants and other materials from entering a well.

(Natural Resources Commission; [312 IAC 13-1-26](#); filed Dec 20, 2011, 1:55 p.m.: [20120118-IR-312110332FRA](#))

SECTION 14. [312 IAC 13-1-27](#) IS ADDED TO READ AS FOLLOWS:

**[312 IAC 13-1-27](#) "Well vent" defined**

Authority: [IC 25-39-4-9](#)

Affected: [IC 25-39](#)

Sec. 27. "Well vent" means an opening at the upper terminal of a well to provide:  
(1) equalization of air pressure in the well; or  
(2) release of gases.

(Natural Resources Commission; [312 IAC 13-1-27](#); filed Dec 20, 2011, 1:55 p.m.: [20120118-IR-312110332FRA](#))

SECTION 15. [312 IAC 13-2-1](#) IS AMENDED TO READ AS FOLLOWS:

**[312 IAC 13-2-1](#) Application form**

Authority: [IC 25-39-3-2](#); [IC 25-39-4-9](#)

Affected: [IC 25-39-3-3](#)

Sec. 1. (a) An initial application for a license as a water well driller **or water well pump installer** must be completed on a departmental form and must include the following:

(1) The:

- (A) name;
- (B) current address;
- (C) telephone number; and
- (D) birth date;

of the applicant.

(2) The:

- (A) type of drilling **or pump installation** equipment the applicant uses; and ~~the~~
- (B) number of years the applicant has operated that type of equipment.

(3) The applicable employment experience of the applicant.

(4) The signature of the applicant attesting to or affirming the accuracy of the information on the application.

(5) The license fee established under section 2 of this rule.

(6) Statements by references under [IC 25-39-3-3\(a\)\(2\)](#).

(b) Subsequent applications must provide what is required in subsection (a)(1), (a)(4), and (a)(5).

*(Natural Resources Commission; [312 IAC 13-2-1](#); filed Nov 22, 1999, 3:34 p.m.: 23 IR 765; readopted filed Aug 4, 2005, 6:00 p.m.: 28 IR 3661; readopted filed May 20, 2011, 3:28 p.m.: [20110615-IR-312110002RFA](#); filed Dec 20, 2011, 1:55 p.m.: [20120118-IR-312110332FRA](#))*

SECTION 16. [312 IAC 13-2-2](#) IS AMENDED TO READ AS FOLLOWS:

**[312 IAC 13-2-2](#) License fee; duplicate license**

Authority: [IC 25-1-8-2](#); [IC 25-39-3-2](#); [IC 25-39-4-9](#)

Affected: [IC 25-39](#)

Sec. 2. (a) The fee to accompany any application for a license as a water well driller **or water well pump installer** is one hundred dollars (\$100) for a calendar year.

(b) A person who is issued a license as a water well driller **or water well pump installer** may apply to the department for a duplicate license (which is effective during the same calendar year) if the original license:

- (1) is lost;
- (2) is stolen;
- (3) is destroyed; or
- (4) otherwise becomes unavailable to the driller.

*(Natural Resources Commission; [312 IAC 13-2-2](#); filed Nov 22, 1999, 3:34 p.m.: 23 IR 765; readopted filed Aug 4, 2005, 6:00 p.m.: 28 IR 3661; readopted filed May 20, 2011, 3:28 p.m.: [20110615-IR-312110002RFA](#); filed Dec 20, 2011, 1:55 p.m.: [20120118-IR-312110332FRA](#))*

SECTION 17. [312 IAC 13-2-3](#) IS AMENDED TO READ AS FOLLOWS:

**[312 IAC 13-2-3](#) License renewals and restorations**

Authority: [IC 25-39-3-2](#); [IC 25-39-4-9](#)

Affected: [IC 25-39](#)

Sec. 3. (a) A license may be renewed for the following year, without examination, under section 1(b) of this rule.

(b) A license that has been expired in excess of one (1) year may be reinstated only upon successful completion by the applicant of a competency examination and the completion of an application and submission of the license fee.

**(b) An applicant for license renewal must:**

- (1) include a copy of forms verifying the hours of approved continuing education completed; and**
- (2) attest to compliance with all continuing education requirements.**

**(c) If at least one (1) year has passed since a person's license expired, the person must again:**

- (1) satisfy a competency examination;**
- (2) complete an application under section 1(a) of this rule; and**
- (3) submit a license fee;**

**before restoration of the license.**

~~(e)~~ **(d)** A water well driller **or water well pump installer** must deliver a completed renewal application form to the division at least five (5) ~~working~~ **business** days before the renewal is to become effective.

*(Natural Resources Commission; [312 IAC 13-2-3](#); filed Nov 22, 1999, 3:34 p.m.: 23 IR 765; readopted filed Aug 4, 2005, 6:00 p.m.: 28 IR 3661; readopted filed May 20, 2011, 3:28 p.m.: [20110615-IR-312110002RFA](#); filed Dec 20, 2011, 1:55 p.m.: [20120118-IR-312110332FRA](#))*

SECTION 18. [312 IAC 13-2-3.3](#) IS ADDED TO READ AS FOLLOWS:

**[312 IAC 13-2-3.3](#) Continuing education requirements**

**Authority:** [IC 25-39-3-2](#); [IC 25-39-4-9](#)

**Affected:** [IC 25-39](#)

**Sec. 3.3. (a)** A licensed water well driller who has held a license for at least one (1) calendar year must complete at least six (6) hours of approved continuing education before December 31 of each even-numbered year and must retain the following information for each course completed:

- (1) The number of hours spent in the continuing education course.**
- (2) The name of the person or organization presenting the continuing education course.**
- (3) The date, location, and title of the continuing education course.**
- (4) The number of hours of continuing education awarded for the course.**

**(b)** A licensed water well pump installer who has held a license for at least one (1) calendar year must complete at least six (6) hours of approved continuing education before December 31 of each even-numbered year and must retain the following information for each course completed:

- (1) The number of hours spent in the continuing education course.**
- (2) The name of the person or organization presenting the continuing education course.**
- (3) The date, location, and title of the continuing education course.**
- (4) The number of hours of continuing education awarded for the course.**

**(c)** If a licensed water well driller or a licensed water well pump installer demonstrates good cause for a delay in completing continuing education requirements, the department may approve hours for continuing education that are taken after the periods prescribed by subsection (a) or (b).

**(d)** Hours earned under subsection *[subsections]* (a) through (c) cannot be applied to the following two (2) year cycle for continuing education.

**(e)** A licensed water well driller and a licensed water well pump installer must maintain verification of attendance in a continuing education course for at least three (3) years.

*(Natural Resources Commission; [312 IAC 13-2-3.3](#); filed Dec 20, 2011, 1:55 p.m.: [20120118-IR-312110332FRA](#))*

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SECTION 19. [312 IAC 13-2-3.5](#) IS ADDED TO READ AS FOLLOWS:

**[312 IAC 13-2-3.5](#) Approval of continuing education courses**

Authority: [IC 25-39-3-2](#); [IC 25-39-4-9](#)

Affected: [IC 25-39](#)

Sec. 3.5. (a) The department may approve a continuing education course for purposes of this rule that addresses one (1) of the following topics:

- (1) Water well construction, rehabilitation, and abandonment.
- (2) Installation and repair of water well pumping equipment.
- (3) Grouting of water wells.
- (4) Water well disinfection and water sample collection.
- (5) Pumping test procedures and ground water resource evaluations.
- (6) Evaluation and remediation of ground water contamination.
- (7) Another topic approved by the department under [IC 25-39](#).

(b) A person applying for approval of a continuing education course must provide the following information to the department:

- (1) The name of the person or organization presenting the continuing education course.
- (2) The title of the course and subjects that will be presented.
- (3) The date, location, and time schedule of the course.
- (4) The number of hours of continuing education to be awarded for the course.
- (5) A course outline for each subject to be offered.
- (6) The fee to be charged for each course.
- (7) Any other information reasonably requested by the department.

(c) An application for approval of a continuing education course must be received by the department not less than thirty (30) days before the date scheduled for the course. The department shall approve, approve with conditions, or deny the application not more than ten (10) business days after receiving the application.

(d) Not more than forty-five (45) days after the continuing education course is concluded, the person conducting the course must submit the following to the department on a departmental form:

- (1) The name of the person or organization presenting the continuing education course.
- (2) The title of the course.
- (3) The date, location, and time schedule of the course.
- (4) The name of each individual attending the course.
- (5) The well driller license number or pump installer license number, or both, for each person attending the course.
- (6) The number of hours of continuing education each person received.

(e) The department shall maintain and make available to the public a list of future courses that are approved to meet the continuing education requirements of this rule.

(Natural Resources Commission; [312 IAC 13-2-3.5](#); filed Dec 20, 2011, 1:55 p.m.: [20120118-IR-312110332FRA](#))

SECTION 20. [312 IAC 13-2-3.7](#) IS ADDED TO READ AS FOLLOWS:

**[312 IAC 13-2-3.7](#) Waiver or modification of continuing education requirements**

Authority: [IC 25-39-3-2](#); [IC 25-39-4-9](#)

Affected: [IC 25-39](#)

Sec. 3.7. A licensed water well driller or water well pump installer may apply in writing to the department for a waiver or modification of the continuing education requirements of this rule if the well driller or pump installer:



- (1) establishes that an emergency existed during the period for which the continuing education was required;
- (2) has had an incapacitating illness verified by the applicant and a licensed physician; or
- (3) was prevented from completing the continuing education requirement because of active military duty during the period for which the continuing education was required.

(Natural Resources Commission; [312 IAC 13-2-3.7](#); filed Dec 20, 2011, 1:55 p.m.: [20120118-IR-312110332FRA](#))

SECTION 21. [312 IAC 13-2-6](#) IS AMENDED TO READ AS FOLLOWS:

**[312 IAC 13-2-6](#) Well records**

**Authority:** [IC 25-39-4-1](#); [IC 25-39-4-9](#)

**Affected:** [IC 25-39](#)

Sec. 6. **Within thirty (30) days after completion of a well**, a water well driller must submit, on a departmental form or division-approved form, accurate records for each well drilled to include the following information:

- (1) The method of well construction.
- (2) The proposed use of the well, for example:
  - (A) residential;
  - (B) industrial;
  - (C) monitoring; or
  - (D) dewatering.
- (3) Pumping information, including each of the following:
  - (A) The type of pump and the depth of the pump setting (if applicable).
  - (B) Whether the well was bailer, air, or pump tested.
  - (C) The test rate and length of time of test pumping.
- (4) Specifications for the well casing and the well screen.
- (5) The inside diameter of the well.
- (6) The total depth of the well.
- (7) The static water level in the well.
- (8) The name, address, and telephone number of the owner (and the builder, if different from the owner).
- (9) The name and address of the drilling company.
- (10) The name and license number of the equipment operator.
- (11) The type and thickness of formations or materials encountered, including **the following**:
  - (A) Color.
  - (B) Hardness. and
  - (C) A geological description.
- (12) A statement of the accuracy of the information contained on the form that is signed by the water well driller or ~~his~~ **an** authorized representative upon an affirmation or attestation.
- (13) The type, depth, and thickness of grouting materials and method of installation.
- (14) Specific roadway directions to the well, including a reference to the nearest major highway or street intersection.

(Natural Resources Commission; [312 IAC 13-2-6](#); filed Nov 22, 1999, 3:34 p.m.: 23 IR 766; readopted filed Aug 4, 2005, 6:00 p.m.: 28 IR 3661; readopted filed May 20, 2011, 3:28 p.m.: [20110615-IR-312110002RFA](#); filed Dec 20, 2011, 1:55 p.m.: [20120118-IR-312110332FRA](#))

SECTION 22. [312 IAC 13-3-1](#) IS AMENDED TO READ AS FOLLOWS:

**[312 IAC 13-3-1](#) Operations at drilling site**

**Authority:** [IC 25-39-4-2](#); [IC 25-39-4-9](#)

**Affected:** [IC 25-39](#)

Sec. 1. A water well driller ~~shall~~ **or water well pump installer must** operate all equipment according to generally accepted standards in the industry. The driller **or pump installer** is responsible for initiating, maintaining, and supervising operations and ~~shall~~ **must** take appropriate precautions to prevent damage, injury,



or other loss to persons and property at the drilling site.

(Natural Resources Commission; [312 IAC 13-3-1](#); filed Nov 22, 1999, 3:34 p.m.: 23 IR 766; readopted filed Aug 4, 2005, 6:00 p.m.: 28 IR 3661; readopted filed May 20, 2011, 3:28 p.m.: [20110615-IR-312110002RFA](#); filed Dec 20, 2011, 1:55 p.m.: [20120118-IR-312110332FRA](#))

SECTION 23. [312 IAC 13-4-3](#) IS AMENDED TO READ AS FOLLOWS:

**[312 IAC 13-4-3](#) Pitless units and pitless adapters**

**Authority:** [IC 25-39-4-2](#); [IC 25-39-4-9](#)

**Affected:** [IC 25-39](#)

Sec. 3. (a) A pitless unit shall: ~~do the following:~~

- (1) extend the upper end of the well casing at least one (1) foot above the ground level; **and**
- (2) be affixed to the well casing in a manner that is watertight by:
  - (A) threading;
  - (B) welding (including gluing); or
  - (C) a mechanical connection.

(b) The cap, cover, or seal of the pitless unit shall:

- (1) be self-draining and overlap the top of the casing extension with a downward flange;
- (2) fit securely on the well casing; and
- (3) be tamper resistant.

(c) A pitless unit shall be installed under [312 IAC 13-3-2\(a\)\(3\)](#).

(d) A pitless adapter shall be constructed and installed to:

- (1) prevent the entrance of contaminants in the well through openings in the well casing to which the adapter is attached; and**
- (2) provide consistency with the Water Systems Council Listing of Products for PAS-97(04).**

(Natural Resources Commission; [312 IAC 13-4-3](#); filed Nov 22, 1999, 3:34 p.m.: 23 IR 767; readopted filed Aug 4, 2005, 6:00 p.m.: 28 IR 3661; readopted filed May 20, 2011, 3:28 p.m.: [20110615-IR-312110002RFA](#); filed Dec 20, 2011, 1:55 p.m.: [20120118-IR-312110332FRA](#))

SECTION 24. [312 IAC 13-4-3.5](#) IS ADDED TO READ AS FOLLOWS:

**[312 IAC 13-4-3.5](#) Water well pump installation**

**Authority:** [IC 25-39-4-2](#); [IC 25-39-4-9](#)

**Affected:** [IC 25-39](#)

**Sec. 3.5. (a) Unless otherwise approved by the department, a water well that is completed:**

- (1) in an unconsolidated aquifer shall be equipped with a pumping apparatus that provides at least twenty (20) feet of available drawdown; and**
- (2) in a bedrock aquifer shall be equipped with a pumping apparatus that provides at least fifty (50) feet of available drawdown.**

**(b) This section does not apply to a monitoring well or a dewatering well.**

(Natural Resources Commission; [312 IAC 13-4-3.5](#); filed Dec 20, 2011, 1:55 p.m.: [20120118-IR-312110332FRA](#))

SECTION 25. [312 IAC 13-10-2](#) IS AMENDED TO READ AS FOLLOWS:

**[312 IAC 13-10-2](#) Permanent abandonment of wells**

Sec. 2. (a) A well abandoned before January 1, 1988, must be sealed at or above the ground surface by a welded, threaded, or mechanically attached watertight cap. The well shall be maintained so the well does not become a source or channel of ground water contamination. A well that poses a hazard to human health must also be plugged under subsection (c). A cased or uncased bucket well or a hand dug well (other than buried slab construction) that was abandoned before January 1, 1988, shall be closed in conformance with one (1) of the following procedures:

- (1) Covered with a reinforced concrete slab:
  - (A) at least four (4) inches thick; and
  - (B) having a diameter larger than the nominal diameter of the borehole or the well casing.
- (2) Equipped with a properly reinforced cover:
  - (A) constructed of pressure treated lumber;
  - (B) having dimensions larger than the nominal diameter of the borehole or well casing; and
  - (C) protected against the water with roofing or other water repelling materials that are properly maintained to ensure the integrity of the cover.

Closure shall not be performed under this subdivision, however, if the cover is in direct contact with ground water or surface water.

- (3) Closed as otherwise approved by the division.

(b) A well drilled before January 1, 1988, and abandoned before January 1, 1994, shall be as follows:

- (1) Sealed at or above the ground surface by a welded, threaded, or mechanically attached watertight cap.
- (2) Maintained so the well does not become a source or channel of ground water contamination.

A well that poses a hazard to human health must also be plugged under subsection (c).

(c) A well abandoned after December 31, 1987, shall be plugged by a water well driller **or water well pump installer** with an impervious grouting material to prevent the following:

- (1) Migration of materials or fluids in the well.
- (2) Loss of pressure in a confined aquifer.

(d) A well drilled after December 31, 1987, and not equipped with casing must be plugged by a water well driller within seventy-two (72) hours after completion.

(e) This subsection applies as follows to a cased or uncased well abandoned after December 31, 1987:

- (1) The plugging material must consist of one (1) or a combination of the following:
  - (A) Neat cement with not more than five percent (5%) by weight of bentonite additive.
  - (B) Bentonite slurry, which can include polymers designed to retard swelling.
  - (C) Pelletized, medium grade, or coarse grade crushed bentonite.
  - (D) Other materials approved by the commission.
- (2) The following methods apply:
  - (A) Cement and bentonite slurries shall be pumped into place in a continuous operation with a grout pipe introducing the plugging material at the bottom of the well and moving the pipe progressively upward as the well is filled.
  - (B) Plugging materials other than neat cement or bentonite slurry shall be installed in a manner to prevent bridging of the well or borehole. The well or borehole shall be measured periodically throughout the plugging process to ensure that bridging does not occur.
- (3) The following procedures apply:
  - (A) An abandoned well shall be disconnected from the water system. Any substance that may interfere with plugging shall be removed, if practicable.
  - (B) A well, other than:
    - (i) a monitoring well;
    - (ii) a dewatering well; or
    - (iii) an uncased borehole;shall be chlorinated before abandonment as provided in [312 IAC 13-9-1](#).
- (4) **Unless otherwise approved by the department**, a cased well shall be plugged as follows:
  - (A) With neat cement, bentonite slurry, or medium grade or coarse grade crushed or pelletized bentonite from the bottom of the well to within two (2) feet below the ground surface. ~~unless otherwise provided by the~~

department.

(B) The well casing shall be severed at least two (2) feet below the ground surface, and a cement plug larger in diameter than the borehole shall be:

- (i) constructed over the borehole; and
- (ii) covered with natural clay material to the ground surface.

(5) An uncased well (other than a borehole drilled by a bucket rig or a dewatering well governed by subdivision (8) or (9)) shall be filled with:

- (A) natural clay materials;
- (B) neat cement;
- (C) bentonite slurry; or
- (D) medium grade or coarse grade crushed or pelletized bentonite;

from the bottom of the borehole to a depth of not less than twenty-five (25) feet below ground surface. The borehole shall be filled with neat cement or medium grade or coarse grade crushed or pelletized bentonite from a depth not less than twenty-five (25) feet below ground surface to within two (2) feet below ground surface. The remaining borehole shall be filled with natural clay material to ground surface.

(6) A cased or uncased monitoring well shall be plugged from the bottom of the well or borehole to the ground surface with a:

- (A) bentonite slurry; or
- (B) pelletized or coarse grade crushed bentonite.

(7) A bucket well shall be plugged as follows:

- (A) A bucket well installed as buried slab construction shall be filled with gravel from the bottom of the well to within ten (10) feet below the ground surface. Neat cement, bentonite slurry, or pelletized, medium grade, or coarse grade crushed bentonite shall be installed in the casing or well pipe from not less than ten (10) feet below the ground surface to within two (2) feet below the ground surface. The well pipe shall be:
  - (i) severed at least two (2) feet below the ground surface; and
  - (ii) covered with a cement plug larger in diameter than the well pipe.

The remaining hole shall be filled with natural clay material to the ground surface.

(B) Bucket well construction:

- (i) using casing with an inside diameter of less than twelve (12) inches extending the entire length of the borehole; and
  - (ii) equipped with a well screen;
- shall be abandoned under subdivision (4)(A).

(C) An uncased borehole drilled by a bucket rig shall be filled with natural clay material:

- (i) from the bottom of the hole to the ground surface; and
- (ii) thoroughly tamped to minimize settling.

(D) For other than buried slab construction, a bucket well shall be filled with gravel from the bottom of the well to at least five (5) feet below ground surface. The top section of the concrete or tile well casing shall be removed to cause the top of the well to terminate below ground surface. The well shall be filled with at least one (1) foot of:

- (i) neat cement;
- (ii) bentonite slurry; or
- (iii) pelletized, medium grade, or coarse grade crushed bentonite;

from at least five (5) feet below ground surface to the top of the well casing. The well casing shall be covered with a cement plug larger in diameter than the borehole. The remaining hole shall be filled with natural clay material to ground surface.

(8) If a dewatering well casing is removed following use, the remaining borehole shall initially be filled with granular, pelletized, medium grade, or coarse grade crushed bentonite a minimum of one (1) foot thick. The remainder of the borehole shall be:

- (A) filled with natural earth materials obtained during the drilling process to the ground surface; and
- (B) thoroughly tamped to minimize settling.

(9) If a dewatering well casing is removed following use and the well site will be excavated as part of the construction project, the remaining borehole shall be:

- (A) filled with natural earth materials obtained during the drilling process to the ground surface; and
- (B) thoroughly tamped to minimize settling.

(f) The division shall be notified in writing of a well abandonment within thirty (30) days after plugging is completed.

*(Natural Resources Commission; [312 IAC 13-10-2](#); filed Nov 22, 1999, 3:34 p.m.: 23 IR 773; readopted filed Aug 4, 2005, 6:00 p.m.: 28 IR 3661; filed Jul 14, 2006, 1:23 p.m.: [20060809-IR-312050341FRA](#); errata filed Apr 13, 2010, 2:06 p.m.: [20100428-IR-312100231ACA](#); readopted filed May 20, 2011, 3:28 p.m.:*

SECTION 26. [312 IAC 13-11-1](#) IS AMENDED TO READ AS FOLLOWS:

**[312 IAC 13-11-1](#) Inspections; compliance**

Authority: [IC 25-39-4-2](#); [IC 25-39-4-9](#)

Affected: [IC 25-39](#)

Sec. 1. A conservation officer or another representative of the department may:

(1) observe the installation of a water well or pump; and ~~may~~

(2) inspect equipment used to drill a well **or install a pump.**

Work that does not comply with this article or [IC 25-39](#) must be promptly corrected by the water well driller **or water well pump installer**. Work that is covered contrary to the request of a department representative must, upon request, be uncovered for inspection and replaced by the water well driller **or pump installer**.

(Natural Resources Commission; [312 IAC 13-11-1](#); filed Nov 22, 1999, 3:34 p.m.: 23 IR 774; readopted filed Aug 4, 2005, 6:00 p.m.: 28 IR 3661; readopted filed May 20, 2011, 3:28 p.m.: [20110615-IR-312110002RFA](#); filed Dec 20, 2011, 1:55 p.m.: [20120118-IR-312110332FRA](#))

SECTION 27. [312 IAC 13-11-2](#) IS AMENDED TO READ AS FOLLOWS:

**[312 IAC 13-11-2](#) Inspections by the department of records of a water well driller or water well pump installer**

Authority: [IC 25-39-4](#)

Affected: [IC 25-39](#)

Sec. 2. A conservation officer or another representative of the department may, at any reasonable time, inspect any record maintained by a water well driller **or water well pump installer** that is needed to comply with [IC 25-39](#) or this article.

(Natural Resources Commission; [312 IAC 13-11-2](#); filed Nov 22, 1999, 3:34 p.m.: 23 IR 774; readopted filed Aug 4, 2005, 6:00 p.m.: 28 IR 3661; readopted filed May 20, 2011, 3:28 p.m.: [20110615-IR-312110002RFA](#); filed Dec 20, 2011, 1:55 p.m.: [20120118-IR-312110332FRA](#))

SECTION 28. [312 IAC 13-12-1](#) IS AMENDED TO READ AS FOLLOWS:

**[312 IAC 13-12-1](#) Administrative enforcement**

Authority: [IC 14-10-2-4](#); [IC 25-39-4-2](#); [IC 25-39-4-9](#)

Affected: [IC 4-21.5](#); [IC 25-39](#)

Sec. 1. (a) This rule governs enforcement of [IC 25-39](#) and this article by the department under [IC 4-21.5](#) and [312 IAC 3-1](#).

(b) This rule does not limit the authority to enforce [IC 25-39](#) and this article through any other lawful method.

(c) This rule does not establish a basis for an action against a water well driller **or water well pump installer** by a person other than the department.

(Natural Resources Commission; [312 IAC 13-12-1](#); filed Nov 22, 1999, 3:34 p.m.: 23 IR 774; readopted filed Aug 4, 2005, 6:00 p.m.: 28 IR 3661; readopted filed May 20, 2011, 3:28 p.m.: [20110615-IR-312110002RFA](#); filed Dec 20, 2011, 1:55 p.m.: [20120118-IR-312110332FRA](#))

SECTION 29. [312 IAC 13-12-2](#) IS AMENDED TO READ AS FOLLOWS:

**312 IAC 13-12-2 Suspension or revocation of a license as a water well driller or water well pump installer**

**Authority:** [IC 14-10-2-4](#); [IC 25-39-4-2](#); [IC 25-39-4-9](#)

**Affected:** [IC 4-21.5-3-6](#); [IC 4-21.5-4](#); [IC 25-39-4](#)

Sec. 2. (a) The division may seek to suspend or revoke the license of a water well driller **or water well pump installer** who has done any of the following:

- (1) Acted as a well driller **or water well pump installer** without a license in violation of [IC 25-39](#).
- (2) Secured a license through error or fraud.
- (3) Failed to comply with the requirements set forth in any of the following:
  - (A) [IC 25-39-4-1](#), [IC 25-39-4-2](#), [IC 25-39-4-4](#), [IC 25-39-4-5](#), or [IC 25-39-4-6](#).
  - (B) [312 IAC 13-2](#) through [312 IAC 13-10](#).

(b) An action under this section is governed by [IC 4-21.5-3-6](#) and shall be initiated by the division with the issuance of a written notice directed to the person who is the subject of the action. The notice shall include the following:

- (1) A brief description of the order for suspension or revocation. An order for a license suspension shall not exceed a period of effectiveness that exceeds ninety (90) days.
- (2) A declaration that the recipient of the order may seek:
  - (A) a stay of effectiveness of the suspension or revocation;
  - (B) review of the suspension or revocation; or
  - (C) both a stay of effectiveness and review of the suspension or revocation;

by making a written request within eighteen (18) days of issuance addressed to:

Director, Division of Hearings  
Natural Resources Commission  
~~Indiana Government Center South~~  
~~402 West Washington Street, Room W272~~  
**Indiana Government Center North**  
**100 North Senate Avenue, Room N501**  
Indianapolis, Indiana 46204- 46204-2200.

(c) An order issued by the division under subsection (b) is effective fifteen (15) days after issuance unless the recipient of the order obtains a stay of effectiveness. This subsection does not preclude the department from issuing, under [IC 4-21.5-4](#), an emergency or other temporary order with respect to the license.

*(Natural Resources Commission; [312 IAC 13-12-2](#); filed Nov 22, 1999, 3:34 p.m.: 23 IR 774; readopted filed Aug 4, 2005, 6:00 p.m.: 28 IR 3661; readopted filed May 20, 2011, 3:28 p.m.: [20110615-IR-312110002RFA](#); filed Dec 20, 2011, 1:55 p.m.: [20120118-IR-312110332FRA](#))*

SECTION 30. [312 IAC 13-12-3](#) IS AMENDED TO READ AS FOLLOWS:

**312 IAC 13-12-3 Denial of a new, renewal, or restoration license as a water well driller or water well pump installer**

**Authority:** [IC 14-10-2-4](#); [IC 25-39-4-2](#); [IC 25-39-4-9](#)

**Affected:** [IC 4-21.5-3-5](#); [IC 4-21.5-4](#); [IC 25-39-4](#)

Sec. 3. (a) The division may refuse to grant, renew, or restore a license to a person who has done any of the following:

- (1) Acted as a well driller **or water well pump installer** without a license in violation of [IC 25-39](#).
- (2) Secured a license through error or fraud.
- (3) Failed to comply with the requirements set forth in any of the following:
  - (A) [IC 25-39-4-1](#), [IC 25-39-4-2](#), [IC 25-39-4-4](#), [IC 25-39-4-5](#), or [IC 25-39-4-6](#).
  - (B) [312 IAC 13-2](#) through [312 IAC 13-10](#).

(b) An action under this section is governed by [IC 4-21.5-3-5](#) and shall be initiated by the division with the issuance of a written notice directed to the applicant and to any person who has requested notice under [IC 4-](#)

[21.5-3-5\(b\)\(4\)](#). The notice shall include the following:

- (1) A brief description of the denial order and the basis for the denial.
- (2) A declaration that the recipient of the order may seek administrative review by making a written request within eighteen (18) days of issuance addressed to:

Director, Division of Hearings  
Natural Resources Commission  
~~Indiana Government Center South~~  
~~402 West Washington Street, Room W272~~  
**Indiana Government Center North**  
**100 North Senate Avenue, Room N501**  
Indianapolis, Indiana ~~46204~~. **46204-2200**.

(c) If:

- (1)** the division orders the denial of a license renewal; and
- (2)** a timely and sufficient application was made for renewal of the license;

the existing license does not expire until the commission has disposed of a proceeding. This subsection does not preclude the department from issuing, under [IC 4-21.5-4](#), an emergency or other temporary order with respect to the license.

*(Natural Resources Commission; [312 IAC 13-12-3](#); filed Nov 22, 1999, 3:34 p.m.: 23 IR 775; readopted filed Aug 4, 2005, 6:00 p.m.: 28 IR 3661; readopted filed May 20, 2011, 3:28 p.m.: [20110615-IR-312110002RFA](#); filed Dec 20, 2011, 1:55 p.m.: [20120118-IR-312110332FRA](#))*

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*Documents Incorporated by Reference: Water Systems Council Listing of Products for PAS-97(04), updated 2011  
Small Business Regulatory Coordinator: Mark Basch, Section Head, Water Rights/Use, Division of Water,  
Department of Natural Resources, Indiana Government Center South, 402 West Washington Street, Room W264,  
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